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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/987,005	12/08/1997	MATHEW G. HOWELL	MICL:038	5721

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EXAMINER

SMITH, SEAN PRENTISS

ART UNIT	PAPER NUMBER
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3729

DATE MAILED: 01/02/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
08/987,005

Applicant(s)
Howell

Examiner
Smith

Group Art Unit
3729



☒ Responsive to communication(s) filed on Oct 1, 2001

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 5-7, 16, 18, 20, and 22-24 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 5-7, 16, 18, 20, and 22-24 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Claim Rejections - 35 U.S.C. § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 5-7, 16 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable by Hudson in view of Caveney

Regarding claims 5-7 Hudson discloses a method of using a cable comprising: mounting a tray (26), the lower portion of the tray comprising a groove (32) underneath the lower portion of the notch (40); arranging the length of the cable (A) in the tray including laying the length of cable along the groove (Fig 2); selectively routing cable through at least one of the upper and lower portion notches to be used to pass the length of cable, if so routing the length of the cable (A) through the lower notch (40), Hudson fails to disclose the assembly having a cover and closing the cover over the assembly. Caveney discloses the cover over the assembly (27).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the teachings of Hudson with that of Caveney to provide a protective barrier over the exposed cable from environmental effects and debris.

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Regarding claims 16 and 20, Hudson disclose discloses a shelf (34) adjacent to the upper notches (50) and routing the cable (B) through the shelf Fig 2.

3. Claims 18 and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable by Hudson and Caveney in view of Zimmerman

Regarding claims 18 and 24, Hudson discloses a method of using a cable comprising; mounting a tray (26), the lower portion of the tray comprising a groove (32) underneath the lower portion of the notch (40); arranging the length of the cable (A) in the tray including laying the length of cable along the groove (Fig 2); selectively routing cable through at least one of the upper and lower portion notches to be used to pass the length of cable, if so routing the length of the cable (B) through the upper portion notch (50), Caveney discloses the tray having a cover (27). Hudson fails to disclose the cable management device to hold the cable at lest partially concealing the cable at position along a floor at a corner between the floor and the wall. Zimmerman discloses the cable management device along the floor and the wall Fig 5.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the teachings of Hudson with that Zimmerman to establish a clean area that would conceal the cable under the surface and provide an electrical guide connection to the outlet wall.

Regarding claims 22-23, where Hudson is relied upon as above for disclosing a cable mounting system. Hudson fails to disclose a tray having a first and second longitudinal edges, the

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first edge being higher than the second edge (Fig 8); selectively routing the cable (2) through the notch in the first and second edge Fig 1.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the teachings of Hudson with that of Caveney to establish a tray that could be mounted vertically. Caveney discloses the vertical mounting of the tray to allow the passage of the cable along interconnecting components.

Response to Arguments

The applicant has argued the Hudson reference does not teach or suggest the step of selectively routing the cable through the upper and lower notches of the tray. The applicant is referred to the previous office action dated paragraph 5, wherein Hudson discloses a tray (26), the lower portion of the tray having grooves (32) underneath the lower notch (40). The cable is then routed in the grooves Fig 2. The applicant arguments are not found persuasive, the applicant has argued more than the claim language. The applicant has argued that the Hudson reference does not teaches or suggest routing the cable through between the upper and lower notch. The claim only requires a step selectively routing a cable through at least one of the upper notch and the lower notch.

Hudson discloses a cable (A) routed through the upper notch and cable (B) selectively routed through the lower notch. The applicant has not defined that the cable must be the same cable routed through the notches. Therefore, Hudson provides a teachings of selectively routing a cable through the upper notch and a cable through the lower notch.

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In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Hudson and Caveney both provide a teaching of routing a length of a cable through a tray. Caveney is used to provide a teaching of a housing enclosure which serves to hold the cable in place and an environmental protective barrier to cover the exposed wire. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the teachings of Hudson with that of Caveney to enclose a cable management device for holding the cable in place during vertical mounting of the tray.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean Smith whose telephone number is (703) 305-0831. The examiner can normally be reached on Monday thru Friday from 6:30 AM to 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo, can be reached on (703) 308-1789. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7058.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

SS

December 31, 2001



PETER VO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700